

COTC#

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March 1, 2005

Assistant Commissioner of Patents
U.S. Patent and Trademark Office
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ATTN: Decision and Certificate of Correction
Branch of the Patent Issue Division

Certificate MAR 08 2005 of Correction

Re: Request for Certificate of Correction of Patent (37 CFR § 1.322)
U.S. Patent No. 6,845,809
Issued January 25, 2005
APPARATUS FOR AND METHOD OF PRODUCING
ON-DEMAND SEMI-SOLID MATERIAL FOR CASTINGS
Application Serial No. 09/585,061
Filed June 1, 2000
Our Ref.: 9105-3

Dear Sir:

A Certificate of Correction of the above-identified patent is respectfully requested to correct certain errors of a clerical or typographical nature or of minor character which appear in the patent as issued.

The exact locations where the errors occur and the necessary corrections are indicated on the attached form PTO/SB/44 (10-96), which form as prepared is suitable for printing. The errors as set out were inadvertently and unintentionally made by the Applicant. Therefore, the required fee is enclosed. If any further fees are required in order to complete the Certificate of Correction, please charge them to Deposit Account No. 23-3030. A more detailed explanation of how the error occurred is attached hereto as Appendix A.

Please send the Certificate to Woodard, Emhardt, Moriarty, McNett & Henry, LLP, Bank One Center/Tower, 111 Monument Circle, Suite 3700, Indianapolis, Indiana 46204. A duplicate of the completed form PTO/SB/44 (10-96) is attached.

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100.00 DP

Respectfully submitted,

By James M. Durlacher
James M. Durlacher, Reg. No. 28,840
Woodard, Emhardt, Moriarty, McNett & Henry LLP

#333526
Enclosures

MAR 9 2005

Explanation of the Inadvertent and Unintentional Error

When formal drawings were filed in the application that resulted in this issued patent (filed September 15, 2004), the formal FIG. 2 drawing was required and was intended to correspond to the informal FIG. 2 drawing. The informal FIG. 2 drawing was not labeled as “prior art” and thus the addition of that label to the formal FIG. 2 drawing was not only unintentional and inadvertent, but was improper in that the formal FIG. 2 drawing does not correspond to the informal FIG. 2 drawing due to that added “prior art” label. Not only was the addition of this “prior art” label unintentional and inadvertent, it is not accurate in terms of what it conveys since the content of FIG. 2 was not and is not “prior art”.

From the initial filing of the subject patent application until at least September 15, 2004, FIG. 2 of the application of the subject patent was an informal drawing. FIG. 2 was informal throughout the prosecution and throughout the Appeal. During this time, FIG. 2 was never identified, labeled, discussed, nor treated as “prior art”. Clearly, the entire prosecution history and the Appeal were based on the form and content of FIG. 2 as an informal drawing and the content of this FIG. 2 drawing was not considered as “prior art” by anyone, neither the Examiner, nor the Board of Patent Appeals and Interferences, nor by the inventors.

During this period of drawing informality, FIG. 2 was never marked as “prior art” and was never considered as “prior art”. These results are consistent with the fact that the FIG. 2 content is part of the original invention disclosure and was never discussed in the specification as constituting prior art.

When formal drawings were prepared and filed, after receiving the Notice of Allowance, the caption “(PRIOR ART)” was unintentionally and inadvertently added below the FIG. 2 caption. Since the FIG. 2 content is not prior art and since the entire application was prosecuted without treating the FIG. 2 content as prior art, it is obvious that this is an error deserving of a Certificate of correction. This correction does not constitute new matter and reexamination is not required.

Burden Hour Statement: This form is estimated to take 1.0 hour to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO:** Assistant Commissioner for Patent, Washington, DC 20231.

(Also Form PTO-1050)

UNITED STATES PATENT AND TRADEMARK OFFICE CERTIFICATE OF CORRECTION

PATENT NO : 6,845,809

DATED : January 25, 2005

INVENTOR(S) : Samuel M.D. Norville, et al.

It is certified that an error appears in the above-identified patent and that said Letters Patent are hereby corrected as shown below:

In the Drawings, please amend Fig. 2 by removing "(PRIOR ART)" as set forth below:

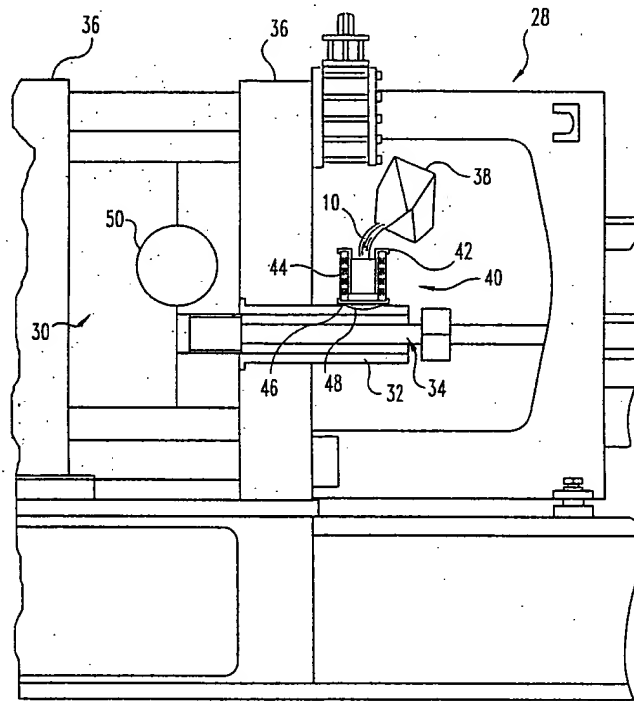


Fig. 2

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